

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA

v.

**MELVIN SKINNER, SAMUEL SKINNER and
FRANK LOGAN ASBURY**

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**No. 3:06-CR-100
(Phillips)**

ORDER

On April 26, 2007, the Honorable H. Bruce Guyton, United States Magistrate Judge, filed a 41-page Report and Recommendation (R&R) [Doc. 75] in which he recommended that Melvin Skinner's motion to suppress evidence and statements [Doc. 34] be denied, and that Samuel Skinner's motion to suppress his statements made following his arrest [Doc. 48] be denied. This matter is presently before the court on timely objections to the R&R filed by defendants.

As required by 28 U.S.C. § 636(b)(1), the court has now undertaken a *de novo* review of those portions of the R&R to which defendants object. After doing so, the court readily concludes that Judge Guyton has thoroughly and correctly analyzed the legal issues presented in the defendants' motions to suppress. Thus, any further comment by the court is unnecessary and would be repetitive. In sum, the court finds that (1) assuming that a search occurred when the government utilized cell-site data to locate and track defendant's vehicle as it traveled upon public highways, the defendant lacked standing to

assert a Fourth Amendment protected interest in the cell phone data; and (2) the officers had probable cause to arrest defendant Samuel Skinner. Thus, any statements made by defendants subsequent to their arrest shall be admissible at trial.

Accordingly, defendants' objections [Docs. 77, 81] are hereby **OVERRULED** in their entirety, whereby the R&R is **ACCEPTED IN WHOLE**. Defendants' motions to suppress evidence and statements [Docs. 34, 48] are **DENIED**.

ENTER:

s/ Thomas W. Phillips
United States District Judge